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GENERAL LAND OFFICE.

CIRCULAR NO. 15, OF JANUARY 24, 1867,
(Approved January 29, 1867,)

IN REGARD TO

SELECTIONS IN SATISFACTION OF RAILROADS

AND

OTHER CONGRESSIONAL GRANTS;

WITH

FORMS FOR VERIFICATION OF LISTS OF SELECTIONS, AND ALSO
OF PLATS OF SURVEY OF SUCH ROADS.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
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United States,

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CIRCULAR NO. 15.

GRANTS FROM CONGRESS TO STATES AND CORPORATIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE, *January 24, 1867.*

GENTLEMEN: By the 1st section of the act of Congress approved July 1, 1864, Statutes 1863-64, page 335, chap. 196, it is provided that from and after the passage of *that* act, "in the location of lands by States and corporations, under grants from Congress for railroads and other purposes, (except for agricultural colleges,) the Registers and Receivers of the Land Offices for the several States and Territories, in the districts where such lands may be located, for their services therein, shall be entitled to receive a fee of one dollar for each final location of one hundred and sixty acres, to be paid by the State or corporation making such location; the same to be accounted for in the same manner as fees and commissions on warrants and pre-emption locations, with limitations as to maximums of salary prescribed by existing laws, in accordance with such instructions as shall be given by the Commissioner of the General Land Office."

1st. Under this law the Registers and Receivers are *each* entitled to receive a fee of one dollar for each final location of one hundred and sixty acres, or any quantity approximate thereto, when the deficit is less than forty acres.

2d. When the several quantities shall have been definitely ascertained by you to inure to the grant, as hereinafter prescribed, the fees will then be due thereon.

3d. The State through its grantee, or the grantee, as the case may be, is required to file with the Register and Receiver of the proper land office descriptive lists of the tracts of land claimed as inuring under the grant, within sections of — miles each, along the line of route on both sides thereof, to be dated and verified by the signature of the selecting agent.

For agent's certificate to be attached to each list, see Form A.

The party appearing as the agent of the grantee must file with the Register and Receiver written and satisfactory evidence, under seal, showing his authority to act in the premises.

In the preparation of the descriptive lists, the Register and Receiver will afford the agent all reasonable facilities, taking care, however, not to interrupt the current public business.

The lists must be carefully and critically examined by the Register and Receiver; their accuracy tested by the plats and records of their

office. When so examined and tested, and found correct in all respects, to be a *final location*; and you will, on the payment of the requisite fees to the Receiver, so certify at the foot of each list, according to Form B.

After such lists have been examined, and you have attached your certificate thereto, the same will be consecutively numbered, commencing with No. 1, for each railroad or separate grant. Upon the payment of the fees and certification of the lists by you, the Register will post the selections in the Tract Book, after the following manner :

“Selected ———, 186—, by A. B., agent for the ——— Railroad Co., act ———, list No. —;” and on the plats he will mark the tracts so selected “——— R. R.”

After the selections are properly posted and marked on the plats, the lists will be transmitted to this office, accompanied by the evidence of the agent's appointment.

4th. The fees will be due in all cases where the service may have been rendered *subsequent* to the passage of said act of 1864.

5th. The Receiver will account for the fees thus paid in his monthly and quarterly accounts, specially setting forth in the same the particular case or cases on which such fees had accrued, giving the name of road, number and date of the list of selections for which they had been paid.

6th. By joint resolution No. 10 of January 30, 1865, “mineral lands” are not embraced in the grants made at the 1st session of the 38th Congress, unless otherwise specially provided in the act or acts making the grants.

PACIFIC RAILROADS.

Acts approved July 1, 1862, and July 2, 1864.

7th. By section 21 of the latter act, these companies are required to pay cost of “surveying, selecting, and conveying” the lands, *in addition* to the Register and Receiver's fees exacted by the act of July 1, 1864, before mentioned. This cost of surveying and conveying is, by the decision of the Secretary of the Interior of November 8, 1866, limited to the lands granted by act July 2, 1864. Therefore, the “cost” will be assessed and collected on the lands outside of ten miles and within twenty miles from the line of the road, where the grant is under both acts.

To ascertain the cost of “surveying,” which includes both *surveying in the field* and *office work*, the company will apply to the Surveyor General of the State or Territory in which the lands are situated. Upon ascertaining the sums due for surveying and office work for the “section or sections of road” for which selections have been or are to be made, a deposit of those sums must be made, to the credit of the Treasurer of the United States, with an authorized depository. The duplicate of

deposit must be filed with the Surveyor General; whereupon he will transmit to the Register and Receiver of the proper land office his certificate of such payment having been made, specifying how much was for surveying and how much for office work, as per Form C.

The Surveyor General's certificate, together with the triplicate certificate of deposit and the evidence of the agent's appointment, must accompany the lists of selection when transmitted by you to this office.

8th. Herewith is a form of title-page to be prefixed to the List of Selection.

Let me here call your special attention to the necessity of *great care* in the examination and testing of these lists, so that all conflicts may be avoided and improper selections be excluded, and that the verified schedules may be absolutely accurate, thus avoiding embarrassment and delay to all concerned.

9th. Pacific Railroad act, July 2, 1864.—It is provided in section 4 that the word "mineral," when it occurs in that act, shall not be held to include iron and coal. Therefore, iron and coal lands are subject to selection by the Pacific Railroads; but all other minerals are expressly excluded from the grant, and must necessarily be so from all selections you may certify to this Office. When the verified lists are received at the General Land Office, prepared and certified as above required, such definitive action as the law requires will be here taken, with the view to invest the grantee with a complete title.

These instructions will supersede those of May 30, 1866, Circular No. 9. The forms attached hereto, which are made a part hereof, will be followed in certifying to maps and lists, where the same may be applicable.

You will please acknowledge the receipt of this Circular, giving the date of reception.

JOS. S. WILSON, *Commissioner.*

To the REGISTERS AND RECEIVERS

of the U. S. Land Offices.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., January 29, 1867.

The foregoing rules are approved.

O. H. BROWNING, *Secretary.*

Form for Title-page.

_____ OF _____,
 U. S. LAND OFFICE _____,
 _____, 186—.

The _____, under and by virtue of the acts of Congress entitled “_____,” and under and in pursuance of the rules and regulations prescribed by the Commissioner of the General Land Office, hereby makes and files the following list of selections of public lands claimed by the said company as enuring to it, and to which it is entitled under and by virtue of the grants and provisions of the said acts of Congress, and the location of the line of route of the _____ of said company; being for the _____ section (— miles) of the same, commencing at _____ and ending _____. The selections being particularly described as follows, to wit: _____

(A.)

_____ OF _____, }
County of _____, } ss:

I, _____, being duly sworn, depose and say that I am the land agent of the _____, formerly the _____; that the foregoing list of lands, which I hereby select, is a correct list of a portion of the public lands claimed by the said _____ company as enuring to _____, to aid in the construction of the _____ from _____, for which a grant of lands was made by the acts of Congress approved _____; that the said lands are vacant, unappropriated, and are not interdicted mineral nor reserved lands, and are of the character contemplated by the grant, being within the limits of _____ miles on each side of the line of route for a continuous distance of _____ miles, being for _____ section of said road, starting from _____ and ending _____.

_____, [L. S.]

Sworn and subscribed before me this _____ day of _____, _____.

NOTE.—This affidavit may be made before either the Register or Receiver of the U. S. Land Office.

(B.)

UNITED STATES LAND OFFICE,
 _____, 186—.

We hereby certify that we have carefully and critically examined the foregoing list of lands claimed by the _____, under the grant to the _____, by acts of Congress approved _____, and selected _____ by _____, the duly authorized agent, and we have tested the accuracy of said list by the plats and records of this office, and that we find the same to be correct; and we further certify that the filing of said list is allowed and approved, and that the whole of said lands are surveyed public lands of the United States, and within the limit of _____ miles on each side; and that the same are not, nor is any part thereof, returned and denominated as mineral land or lands, nor claimed as swamp lands; nor is there any homestead, pre-emption, State, or other valid claim to any portion of said lands on file or record in this office.

We further certify that the foregoing list shows an assessment of the fees payable to us, allowed by the act of Congress approved July 1, 1864, and contemplated by the circular of instructions dated January 24, 1867, addressed by the Commissioner of the General Land Office to Registers and Receivers of the United States land offices; and that the said company have paid to the undersigned, the Receiver, the full sum of _____, in full payment and discharge of said fees.

_____, *Register.*
 _____, *Receiver.*

(C.)

U. S. SURVEYOR GENERAL'S OFFICE,
_____, 186—.

I, _____, Surveyor General for the United States in and for the _____, hereby report and certify that the _____ has this day filed with me, at _____, a duplicate certificate of deposit, No. —, dated _____ of the _____, to the credit of the Treasurer of the United States, showing that the sum of \$_____ has been deposited as cost of survey, and \$_____ for office work, and that the said sums are the correct amount of the cost of survey and office work for the lands mentioned and described in the list of lands, hereto annexed, to the extent of said list.

Survey, \$_____.
Office work, \$_____.

In testimony whereof, I have hereunto set my hand and official seal.

_____,
Surveyor General.

CERTIFICATES FOR MAPS OF THE SURVEYS AND PERMANENT LOCATIONS, ETC.

Form No. 1. Of engineer's affidavit to map of definite location.

Form No. 2. Of president and engineer's certificate to same.

Form No. 3. Of engineer's affidavit to map of completed portion of railroad.

Form No. 4. Of president's certificate to same.

Form No. 5. Of engineer's affidavit to map of definite location where grant was made to a State or Territory.

Form No. 6. Of certificate of governor of State or Territory to map of definite location.

Form No. 7. Of certificate of governor to map of completed portion of railroad.

Nos. 1, 2, 3 and 4 to be used when grant was direct to the railroad.

Nos. 1, 3, 4, 5, 6 and 7 to be used when grant was made to the *State or Territory*.

(No. 1.)

____ OF _____, } ss:
 County of _____, }

____, of _____, in said county and _____, being duly sworn, deposeth and says that he is the chief engineer of the _____, and has been such chief engineer since the _____; that during the period above named _____ were employed by this deponent, as chief engineer for said railroad company, as deputy or division engineers; that the said engineers, as shown by their field-notes, verified under oath, did actually survey and mark upon the ground the line or route of the _____ from _____ to _____, in the sections and at the times respectively designated by dates, which are included between the flagstuffs upon and along the line of route of said railroad as delineated on this map, showing the line of the public survey in connection with the surveyed line of the route; and that the acts of said deputy or division engineers in the premises were duly approved and accepted on behalf of said company by this deponent as said chief engineer of the _____.

Chief Engineer.

[Revenue Stamp.]

Sworn and subscribed this _____ day of _____, before me.

[SEAL.]

Notary Public.

The map of location *must*, as shown in the above form, in all cases show the lines of the public survey in connection with the line of route.

(No. 2.)

OFFICE OF THE _____,
 _____,
 _____, 186—.

It is hereby certified that, in pursuance of the act of Congress approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the government the use of the same for postal, military, and other purposes," wherein a grant of lands is made by the — section to the —, who are thereby authorized to construct a railroad and telegraph line from —; and the act of July 2, 1864, amendatory thereof, which — to construct said railroad, this map shows the location of the line or route of the — from — to —, being a part of the line or route of said railroad as definitely fixed, in compliance with said acts of Congress, and in pursuance of the resolution of the board of directors of said company, passed on the —; and that the dates of the field work thereof are truly indicated along the line, from station to station, upon this map.

In testimony whereof, the — has caused the same to be signed by its president and engineer, and has attached hereunto its corporate seal at —, on the day and year first above written.

[SEAL.]

_____, *President.*
 _____, *Chief Engineer.*

Attest: _____,
 Secretary.

(No. 3.)

____ OF _____, } ss:
 County of _____, }

_____, of _____, in said county and _____, being duly sworn, depose and says that he is the chief engineer of the said railroad, from _____ to _____, being for _____ section of _____ miles, as shown by the line of route in connection with the lines of the public surveys on this map; that it has been completed and equipped as required by law, and that this line of route shows the correct location of the said railroad.

_____,
Chief Engineer. [SEAL.]

[Revenue stamp.]

Sworn and subscribed this _____ day of _____, before me.

[SEAL.]

_____,
Notary Public.

(No. 4.)

It is hereby certified that _____ is the chief engineer of the _____, and that the location of the road, as represented on this map, is correct and approved by the company; and also that the said portion of the said road has been completed and equipped in all respects as required by law.

_____, [SEAL.]
President.

Attest: _____,
Secretary.

[SEAL.]

(No. 5.)

OFFICE OF THE _____,
_____.

It is hereby certified that, in pursuance of the act of the legislative assembly of the _____, approved _____, entitled "_____" this map shows, in connection with the public surveys, the actually surveyed line of route of the _____ from _____ to _____, as definitely fixed, in compliance with the act of Congress approved _____, and in pursuance of the resolution of the board of directors of said railroad company passed on the _____ day of _____; and that the dates of the field-work thereof are truly indicated along the line, from station to station, upon this map.

In testimony whereof, the _____ has hereunto attached its corporate [SEAL.] seal, and caused the same to be signed by the president and _____, at _____, in the day and year first above written.

_____, *President.*
_____, *Chief Engineer.*

Attest: _____,
Secretary.

(No. 6.)

I, _____, governor of the _____, do hereby certify that this plat or map of the _____ has been duly filed in my office by the railroad company, and shows, in connection with the public surveys, the location of the line of route as actually surveyed of the _____ "from _____ to _____," as definitely fixed in compliance with the act of Congress approved _____, entitled "An act _____," and with the act of the legislative assembly of the _____, approved _____, entitled "_____, " granting certain lands to the railroad herein named.

In testimony whereof, I have hereunto set my hand and caused to be [SEAL.] affixed the great seal of the _____.

Done at _____, this _____ day of _____.

_____, *Governor.*

Attest: _____,

Secretary of _____.

(No. 7.)

EXECUTIVE OFFICE, ———, ———.

I, ———, Governor of the ———, do hereby certify that this plat or map of the ——— has been duly filed in my office by the said ——— company, and shows that portion of the said railroad commencing at ——— and ending at ———, which has been completed and equipped as required by the act of Congress approved ———, and the act of the legislative assembly of the ———, approved ———, entitled “———,” granting lands to the said railroad company.

In testimony whereof, I have hereunto set my hand and caused to be [SEAL.] affixed the great seal of the ———.

Done at ———, this ——— day of ———.

———, *Governor.*

Attest: ———,
Secretary of ———.

Gaylord

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